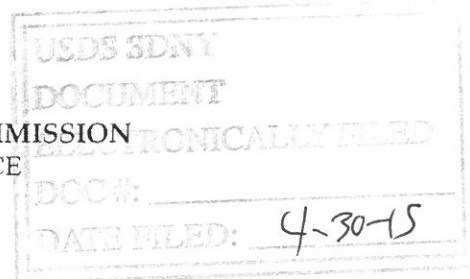




UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022



MEMO ENDORSED

April 30, 2015

Via Email to SullivanNYSDChambers@nysd.uscourts.gov and ECF

Hon. Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2104
New York, New York 10007

Re: SEC v. Zachary Zwerko and David L. Post (14-cv-8181-RJS)

Dear Judge Sullivan:

We represent the Plaintiff, Securities and Exchange Commission (the "Commission"), in this action. On January 30, 2015, this Court held a pre-motion conference on Defendant Zwerko's application to stay this proceeding pending resolution of the parallel criminal case before Judge Hellerstein (United States v. Post, et ano., 14-cr-715-AKH). During the hearing, the Court granted the application for a stay and ordered the parties to submit a status letter by April 30, 2015 apprising the Court of the status of the criminal proceeding.

The purpose of this letter is to provide the Court with the ordered status update. Currently, both Defendants Zwerko and Post have pleaded guilty and are awaiting scheduled sentencings. On October 24, 2014, Defendant Post waived Indictment and pleaded guilty to a Four-Count Information charging him with conspiracy to commit securities fraud and three counts of insider trading as a tippee. Defendant Post is currently scheduled to be sentenced on June 19, 2015. On February 19, 2015, Defendant Zwerko pleaded guilty to a Four-Count Superseding Information with charges parallel to those against Defendant Post, charging Defendant Zwerko with tipping Defendant Post. Defendant Zwerko is currently scheduled to be sentenced on May 15, 2015.

Accordingly, because the criminal case against the Defendants remains pending, the parties believe that the Court should leave the stay in effect. The parties will provide an additional update to the Court on or before June 30, 2015.

Hon. Richard J. Sullivan

April 30, 2015

Page 2

If the Court has any further questions, the parties are available for a conference.

Respectfully submitted,



Charles D. Riely

Dominick D. Barbieri

cc (via email):

Craig Carpenito, Esq.

Alston & Bird

90 Park Ave.

New York, New York 10016

Craig.Carpenito@alston.com

(Counsel for Defendant David L. Post)

Jeffrey Denner, Esq.

Denner Criminal Defense Group

4 Longfellow Place, 35th Floor

Boston, Massachusetts 02114

jdenner@dennerlaw.com

(Counsel for Defendant Zachary Zwerko)

SO ORDERED

Dated:

4/30/15


RICHARD J. SULLIVAN
U.S.D.J.